

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
:
WA-ZA-BIA Entertainment Inc:
t/a WA-ZO-BIA : Show Cause
: Hearing
618 T Street NW : (Status)
Retailer CR :
License No. 79306 :
Case No. 14-AUD-00022 :
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OCTOBER 1, 2014

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
DONALD BROOKS, Member
NICK ALBERTI, Member
HERMAN JONES, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

P R O C E E D I N G S

10:03 a.m.

MS. MILLER: Okay. The next case is 14-AUD-00022 WA-ZO-BIA located at 618 T Street, Northwest. License No. 79306 in ANC6E.

MR. ADAMS: Good morning, Madam Chairman. Walter Adams representing the District of Columbia.

MS. MILLER: Good morning. Is anybody here from WA-ZO-BIA? Mr. Adams, do you have any indication whether anyone is coming from WA-ZO-BIA?

MR. ADAMS: Well, it looks like their status hearing last week, in which the matter was rescheduled for this week for purposes of allowing us to talk about a preliminary matter. So seeing that this establishment has not shown up, I guess we will have to go through the Show Cause day. But I've not heard anything else from the establishment. How's that?

1 MS. MILLER: Okay. It's 10:05
2 and the hearing was called for 9:30 and
3 Respondent's not here. So we'll set the
4 matter for Show Cause Hearing November 12th,
5 2014 at 10:00 a.m.

6 MR ADAMS: Thank you, Madam
7 Chairman.

8 MS. MILLER: Okay.

9 (Whereupon the hearing concluded
10 at 10:05 a.m. and was recalled at 11:10
11 a.m.)

12 MS. MILLER: Okay is this the WA-
13 ZA-BIA case?

14 MR. ADAMS: Yes, it is.

15 MS. MILLER: OKAY. Case No. 14-
16 AUD-00022. Located at 618 T Street,
17 Northwest, License No. 79306. We are
18 recalling that case. The respondent has
19 arrived. Late, but is here, correct?

20 MS. EDOHO: Yes.

21 MS. MILLER: Okay. And would you
22 identify yourself?

1 MS. EDOHO: I apologize for being
2 late, everyone. My name is Eme Edoho. E-D-
3 O-H-O.

4 MS. MILLER: Are you the owner?

5 MS. EDOHO: No, I'm the manager.

6 MS. MILLER: Manager.

7 MS. EDOHO: Yes.

8 MR. ADAMS: And --

9 MS. EDOHO: And I got a letter.

10 MS. MILLER: You have a letter.

11 MS. EDOHO: I came last week and
12 you guys asked me to bring a letter.

13 MS. MILLER: Okay.

14 MS. EDOHO: Who do I give it to?

15 MS. MILLER: Our staff is going
16 to come get it, so you're, you're giving us
17 a letter that shows that you're authorized
18 to represent the establishment?

19 MS. EDOHO: Yes.

20 MS. MILLER: In this proceeding.

21 MR. ADAMS: And, Madam Chair, I'm
22 Walter Adams, I'm represent the District of

1 Colombia.

2 MS. MILLER: Okay. I've just
3 reviewed the letter and that meets our
4 standard, so you're authorized to represent
5 the establishment today. Okay. Mr. Adams,
6 is there a preliminary matter?

7 MR. ADAMS: Yes, there is Madam
8 Chairman.

9 MS. MILLER: Okay.

10 MR. ADAMS: The first case the
11 parties have discussed case, are willing to
12 enter, or offer in compromise, there are
13 five charges in this case relating to, I
14 guess really an audit that was done and I,
15 so the total, the total negotiation, we
16 would like settle all charges for the amount
17 of \$3,000. And this is how it would break
18 out, if the Board should approve. For in
19 terms of charge of one, which is the
20 establishment failing to exhibit that it
21 qualifies as a restaurant, that it would be
22 a \$3,000 fine. Actually, I take that, I,

1 let me take that back. For charge one, the
2 charge one would be dismissed for the
3 restaurant being qualifying as a restaurant.
4 Charge two, pardon me, for the
5 establishment's failure to keep upon the
6 premises its books and records and invoices,
7 that that would be a \$3,000 fine and for the
8 further charges, which are charges three,
9 failure to post their, have appropriate
10 window lettering, for failure to have a
11 premises sign and failure to have the
12 minimum age sign, based upon the statute, we
13 believe that that should be resolved with a
14 mandatory written warning for charges three
15 through five. So, again, that would be a
16 \$3,000 fine in which the District would
17 dismiss charge one, or charge two be \$3,000,
18 in this case, this is the establishment, I
19 apologize, I think it's the second primary
20 tier offense and for charges three through
21 five, it will be a written warning.

22 MS. MILLER: Okay. I want to ask

1 you if you agree to those offer in
2 compromise, which is dismissing charge one,
3 \$3,000 for your books and records, that's
4 charge two and you will be issued a
5 mandatory written warning for charges three,
6 four and --

7 MS. EDOHO: For charges three
8 through five, I was written up a mandatory
9 warning when they came --

10 MS. MILLER: Right.

11 MS. EDOHO: -- and I corrected it
12 and when they came back it was corrected.

13 MS. MILLER: Good.

14 MS. EDOHO: So I don't know if --

15 MS. MILLER: Okay, so --

16 MS. EDOHO: -- something about
17 that part.

18 MS. MILLER: Okay, so you already
19 got a written warning?

20 MS. EDOHO: Yeah, yeah, we did.

21 MS. MILLER: Okay.

22 MR. ADAMS: So, if she's received

1 a written warning for those three charges,
2 then I guess that --

3 MS. EDOHO: They all have been
4 resolved now, so.

5 MR. ADAMS: If I accept that
6 she's already, well, with subject the
7 written warning that she received at that
8 time covers these same charges, so, she's, I
9 apologize. If the establishment stated that
10 as a result of this investigation, that the
11 establishment did receive a written warning,
12 then whatever written warning they received
13 at that time, we will accept as the written
14 warning that covers charges three through
15 five. So in other words, we're saying that
16 the written warning has already been
17 provided. So essentially only the charge
18 two with this matter would be the Board
19 would be looking at.

20 MS. EDOHO: And we also have
21 since gotten a POS system in our
22 establishment and placed all of our

1 documentation in one place, so that's to
2 alleviate the other issues that we had.

3 MS. MILLER: Okay. I just have
4 two questions for you. The \$3,000 has to be
5 paid by when?

6 MR. ADAMS: Sorry, within a seven
7 day period.

8 MS. MILLER: \$3,000 to be paid
9 within seven days.

10 MR. ADAMS: Yes.

11 MS. MILLER: Or else if not paid
12 within seven days, are you going to be
13 asking that their license be suspended or
14 not --

15 MR. ADAMS: No. I, I'm not asking
16 their license be suspended. Just saying it
17 has to be paid within seven days. I guess
18 if that is, it would fail to be paid by that
19 time, it would be another violation at that
20 point.

21 MS. MILLER: Yes.

22 MR. SHORT: Madam Chair?

1 MS. MILLER: Yes.

2 MR. SHORT: Is the licensee
3 amenable to having the stipulation of paying
4 it within a certain period of time?

5 MR. ALBERTI: We can't do that
6 from here.

7 MS. MILLER: I'll ask.

8 MR. ALBERTI: We cannot do that
9 from here. We cannot negotiate from the
10 Dias, I'm sorry.

11 MS. MILLER: I wasn't planning on
12 doing that. I was just planning on asking
13 her if she was agreeing to what Mr. Adams
14 presented as what that is, the agreement is.

15 MS. EDOHO: Yeah, I was told --

16 MS. MILLER: That's what the
17 agreement is?

18 MS. EDOHO: That is fine for the
19 charge two, and the \$3,000 fine, we're
20 willing to pay that.

21 MS. MILLER: Do you agree to
22 \$3,000 paid within --

1 MS. EDOHO: Seven days.

2 MS. MILLER: -- seven days.

3 Okay. Okay. The way I understand the
4 charge 3, 4, 5 you've already gotten a
5 written warning. Is that what you said?

6 MS. EDOHO: Yeah.

7 MS. MILLER: And they've already
8 come back to check to make sure you're in
9 compliance?

10 MS. EDOHO: Yes, they've been back
11 since and those things have all been
12 corrected. The lettering, the signage and
13 the placement of the license.

14 MS. MILLER: Okay. So I would
15 think those charges could be dismissed.

16 MR. ADAMS: The District would
17 offer to dismiss charges three through five.

18 MS. MILLER: Okay. All right.
19 Okay. As I understand the offer in
20 compromise is to dismiss charges one, three,
21 four and five. And to have a penalty of
22 \$3,000 to be paid within seven days. Okay.

1 So do you agree to that?

2 MS. EDOHO: Yes.

3 MS. MILLER: Okay. Are there any
4 board questions on that offer of compromise?
5 Okay, so I'm going to move to approve the
6 offer in compromise. Do you want to second?

7 MR. SILVERSTEIN: Second.

8 MS. MILLER: Mr. Silverstein has
9 second the motion. Comments?

10 MR. STERN: Yes, I'm going to
11 oppose this offer in compromise for two
12 reasons. One, I would like to have seen a
13 commitment to pay, a stipulation that the
14 license would be suspended if they didn't
15 pay within the time frame of seven days, as
16 required by this offer in compromise. And
17 secondly, we have, off the offer in
18 compromise includes a dismissal of charge
19 one, which is failure to operate as a
20 restaurant. When I look at their quarterly
21 reports from 2011, 2012, 2013 and 2014, I
22 see that they are on the cusp of non-

1 compliance. I mean it's almost 45% for
2 every quarter and that is the requirement.
3 And now we find out that we can't verify
4 that because they don't keep their records.
5 That is of great concern to me, and so I
6 will not accept this offer in compromise.

7 MS. MILLER: Other comments?
8 Okay, there's been a motion then to approve
9 the offer in compromise. It's been
10 seconded. All those in favor say aye.

11 MEMBERS: Aye.

12 MS. MILLER: All those opposed.

13 MEMBERS: Opposed.

14 MS. MILLER: Okay, then the
15 motion, um, passes by a vote of 4-2-0. I
16 believe would Mr. Alberti and Mr. Brooks
17 dissenting. Okay. So that concludes this
18 case. If you want to take a seat in the
19 audience then we'll get your paperwork to
20 you.

21 MS. EDOHO: Thank you.

22 MR. ADAMS: Thank you, Madam

1 Chairman.

2 MS. MILLER: Okay. Thank you.

3 (Whereupon, the above hearing was
4 concluded at 11:21 a.m.)
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<p>A</p> <p>\$3,000 5:17,22 6:7 6:16,17 7:3 9:4,8 10:19,22 11:22 a.m 2:2 3:5,10,11 14:4 accept 8:5,13 13:6 Adams 2:7,8,11,14 3:6,14 4:8,21,22 5:5,7,10 7:22 8:5 9:6,10,15 10:13 11:16 13:22 age 6:12 agree 7:1 10:21 12:1 agreeing 10:13 agreement 10:14 10:17 Alberti 1:17 10:5,8 13:16 Alcoholic 1:2,12,13 alleviate 9:2 allowing 2:17 amenable 10:3 amount 5:16 ANC6E 2:6 anybody 2:11 apologize 4:1 6:19 8:9 appropriate 6:9 approve 5:18 12:5 13:8 arrived 3:19 asked 4:12 asking 9:13,15 10:12 AUD-00022 3:16 audience 13:19 audit 5:14 authorized 4:17 5:4 aye 13:10,11</p>	<p>Beverage 1:2,12,13 board 1:2,12 5:18 8:18 12:4 books 6:6 7:3 break 5:17 bring 4:12 Brooks 1:16 13:16 Building 1:13</p> <p>C</p> <p>C 2:1 called 3:2 case 1:9 2:3 3:13,15 3:18 5:10,11,13 6:18 13:18 Cause 1:7 2:20 3:4 certain 10:4 Chair 4:21 9:22 Chairman 2:8 3:7 5:8 14:1 Chairperson 1:14 1:16 charge 5:19 6:1,2,4 6:17,17 7:2,4 8:17 10:19 11:4 12:18 charges 5:13,16 6:8 6:8,14,20 7:5,7 8:1,8,14 11:15,17 11:20 check 11:8 Colombia 5:1 Columbia 1:1 2:9 come 4:16 11:8 coming 2:13 comments 12:9 13:7 commitment 12:13 compliance 11:9 13:1 compromise 5:12 7:2 11:20 12:4,6 12:11,16,18 13:6 13:9 concern 13:5 concluded 3:9 14:4 concludes 13:17 Control 1:2,12,13</p>	<p>correct 3:19 corrected 7:11,12 11:12 covers 8:8,14 CR 1:8 cusp 12:22</p> <p>D</p> <p>D 2:1 D.C 1:14 day 2:20 9:7 days 9:9,12,17 11:1 11:2,22 12:15 Dias 10:10 discussed 5:11 dismiss 6:17 11:17 11:20 dismissal 12:18 dismissed 6:2 11:15 dismissing 7:2 dissenting 13:17 District 1:1 2:9 4:22 6:16 11:16 documentation 9:1 doing 10:12 DONALD 1:16</p> <p>E</p> <p>E 2:1,1 E-D 4:2 Edoho 3:20 4:1,2,5 4:7,9,11,14,19 7:7 7:11,14,16,20 8:3 8:20 10:15,18 11:1,6,10 12:2 13:21 Eme 4:2 enter 5:12 Entertainment 1:6 essentially 8:17 establishment 2:19 2:22 4:18 5:5,20 6:18 8:9,11,22 establishment's 6:5 exhibit 5:20</p>	<p>fail 9:18 failing 5:20 failure 6:5,9,10,11 12:19 favor 13:10 find 13:3 fine 5:22 6:7,16 10:18,19 first 5:10 five 5:13 6:15,21 7:8 8:15 11:17,21 four 7:6 11:21 frame 12:15 further 6:8</p> <p>G</p> <p>G 2:1 give 4:14 giving 4:16 go 2:20 going 4:15 9:12 12:5,10 Good 2:7,10 7:13 gotten 8:21 11:4 great 13:5 guess 2:19 5:14 8:2 9:17 guys 4:12</p> <p>H</p> <p>heard 2:21 hearing 1:7,13 2:15 3:2,4,9 14:3 HECTOR 1:19 HERMAN 1:17 How's 2:22</p> <p>I</p> <p>identify 3:22 includes 12:18 indication 2:12 investigation 8:10 invoices 6:6 issued 7:4 issues 9:2</p> <p>J</p> <p>JAMES 1:20</p>	<p>JONES 1:17</p> <p>K</p> <p>keep 6:5 13:4 know 7:14</p> <p>L</p> <p>late 3:19 4:2 letter 4:9,10,12,17 5:3 lettering 6:10 11:12 license 1:9 2:5 3:17 9:13,16 11:13 12:14 licensee 10:2 located 2:4 3:16 look 12:20 looking 8:19 looks 2:14</p> <p>M</p> <p>Madam 2:7 3:6 4:21 5:7 9:22 13:22 manager 4:5,6 mandatory 6:14 7:5,8 matter 1:5 2:16,18 3:4 5:6 8:18 mean 13:1 MEETING 1:3 meets 5:3 Member 1:16,17,17 1:18,19,20 MEMBERS 13:11 13:13 met 1:12 MIKE 1:18 Miller 1:14,16 2:3 2:10 3:1,8,12,15 3:21 4:4,6,10,13 4:15,20 5:2,9 6:22 7:10,13,15,18,21 9:3,8,11,21 10:1,7 10:11,16,21 11:2 11:7,14,18 12:3,8 13:7,12,14 14:2</p>
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